



Monday, February 2, 2015

Purpose: Organizational Statement of Opinion for Proposed Legislation

Distribution: Unlimited

Subject: Support of Legislation to Protect Public Regional Stormwater Management Activities

To Whom It May Concern:

The Urban Drainage and Flood Control District (UDFCD), in cooperation with the Colorado Stormwater Council (CSC), is working through the Colorado State Legislature to propose 2015 legislation to define stormwater management by public agencies as non-injurious to water rights holders provided certain specific conditions are met. Currently these same activities are covered under the state engineer's administrative allowances provided they occur "on an individual site," being defined as having been developed under a single development activity.

Cities and counties across Colorado have been managing stormwater using these same tools on a regional basis for decades, unaware that they were not covered under the state engineer's administrative allowances.

The purpose of the legislation is to afford regional stormwater management, such as flood control detention, post-fire debris control, and stormwater quality management detention and infiltration practices, protection from claims of litigation and exemption from administration by the state.

The purpose of this letter is to add support from the Colorado Association of Stormwater and Floodplain Managers (CASFM) to the legislation. The Front Range regional floods of September 2013 illustrated the benefit of and need for regional stormwater and floodplain mitigation appurtenances for maintaining the health, safety and welfare of Colorado's residents, businesses, infrastructure and economy. Many of CASFM's 817 members represent the cities and counties across the State that manage stormwater in a manner compliant with the proposed

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legislation and may be subject to claims of litigation or curtailment by the state if such legislation is not passed. More importantly, CASFM members are dedicated to reducing the loss of human life and property from flood and storm damages, and existing regional mitigation and management practices have proven effective during large-scale storm events like those witnessed in 2013.

CASFM recognizes an urgent need for recognition from the Colorado Division of Water Resources that regional stormwater management for the purpose of downstream flood and fire debris safety mitigation, sediment and pollutant removal, and protection of the receiving stream from channel degradation is a necessary responsibility of Colorado municipalities and counties. CASFM asserts that, providing certain specific criteria are met, these practices are non-injurious to water rights.

CASFM supports a bill in the Colorado General Assembly in 2015 to adopt legislation that defines stormwater detention and infiltration facilities, and facilities designed and operated solely for the mitigation of the impacts of wildland fire events, as **essential for the protection of public health, safety and welfare, and as not injurious to vested water rights** if these facilities are owned, or operated, or subject to oversight by a governmental entity.

Sincerely,

Brian K. Varrella, PE, CFM
Chair, CASFM.org

Further information about stormwater and flood hazard mitigation issues can be found on the CASFM website at www.CASFM.org, or by contacting CASFM directly at casfm@casfm.org. The Colorado Association of Stormwater and Floodplain Managers is a non-profit organization of more than 800 professionals working in and around Colorado's watersheds, floodplains and urban runoff areas, and our cadre of experts are available to assist communities as needed.

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